



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.06.2017
CORAM

THE HON'BLE MR.JUSTICE **K.KALYANASUNDARAM**

WEB COPY

W.P.(MD)No.11252 of 2017

1.S.John Kennedy
2.J.Juliet Prabha : Petitioners

-vs-

1.The Commissioner,
Tiruchirappalli City Corporation,
Bharathidasan Salai,
Cantonment, Tiruchirappalli-1.

2.The Assistant Commissioner,
Ko. Abisekapuram Division,
Tiruchirappalli City Corporation,
Puthur, Tiruchirappalli-17. : Respondents

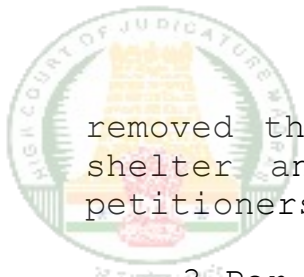
Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to close the drainage canal situated in front of the petitioner's property at Door No.10 New T.S.No.46, Ward No.AL, Block No.2 of Tiruchirappalli, Tiruchirappalli City Corporation, within the specified period, or else the petitioners may be permitted to carry out necessary works to close the drainage canal with concrete slab and pass such other suitable orders.

For Petitioners : Mrs.T.Banumathi
For Respondents : Mr.N.S.Karthikeyan
Additional Government Pleader

O R D E R

The prayer sought for in this writ petition is to direct the respondents to close the drainage canal, situated in front of the petitioner's property at Door No.10, New T.S.No.46, Ward No.AL, Block No.2 of Tiruchirappalli, Tiruchirappalli City Corporation, within the specified period or the petitioners may be permitted to carry out necessary works to close the drainage canal with concrete slab.

2.Mr.N.S.Karthikeyan, learned Additional Government Pleader, on instructions, would submit the respondents Corporation have no objection for closure of the drainage at the cost of the petitioners and they are ready to consider the request of the petitioners. It is further submitted that the respondents already



removed the old bus shelter for the purpose of constructing new shelter and in the meantime, there is an encroachment by the petitioners.

3. Per contra, the learned counsel appearing for the petitioners would submit that there is no encroachment as alleged by respondents and this statement is only with an ulterior motive to grab the property of the petitioners.

4. This court has considered the rival submissions made on either side and perused the materials available on record.

5. Considering the limited scope of the prayer sought for in this writ petition and also considering the submissions made on either side, this writ petition is disposed of with a direction to the respondents to consider the request of the petitioners as expeditiously as possible. It is made clear that if any encroachment as alleged by the learned Additional Government Pleader, the respondents Corporation shall take action against the petitioners in the manner known to law. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To,

1. The Commissioner,
Tiruchirappalli City Corporation,
Bharathidasan Salai,
Cantonment, Tiruchirappalli-1.
2. The Assistant Commissioner,
Ko. Abisekapuram Division,
Tiruchirappalli City Corporation,
Puthur, Tiruchirappalli-17.
3. The Additional Government Pleader,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.T.Banumathy, Advocate SR.No. 61917

W.P. (MD) No.11252 of 2017
22.06.2017

er